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November 13, 2020

VIA ECF

Hon. LaShann DeArcy Hall
United States District Court
225 Cadman Plaza East
Brooklyn, NY 11201

Re: **Patel v. St. John's University**
Case No. 1:20-cv-02114-LDH-SMG

Gallagher v. St. John's University
Case No. 1:20-cv-03274-LDH-SMG

Dear Judge Hall:

We represent Plaintiff Shiv Patel and Plaintiff Posner in the above-captioned matter. We write jointly with Plaintiff Gallagher and Defendant St. John's University pursuant to Your Honor's Nov. 6, 2020 Order to apprise the Court of the parties' positions on Plaintiffs' two anticipated applications, including one seeking consolidation of the two actions that Plaintiffs contend assert nearly identical claims on behalf of a nearly identical putative class. Both Plaintiff groups and Defendants have conferred and agreed to the following procedures for submission to the Court.

Within seven days, Plaintiffs will jointly file a motion for consolidation and leave to file a consolidated complaint pursuant to F.R.C.P. 42 and simultaneously seek appointment of Plaintiffs' counsel as interim lead counsel. Defendants consent to the consolidation and filing of the consolidated complaint, but take no position on Plaintiffs' request to appoint interim class counsel under Rule 23(g).¹

¹ Defendant denies many of the underlying factual allegations and denies the violation of any law. Moreover, Defendant further takes the position: "in the *Patel* case, the plaintiff already amended the complaint once and, in the *Gallagher* case, if a consolidated complaint adds any new or enhanced allegations, the *Gallagher* complaint will have been amended too. Therefore, if it becomes necessary for any Plaintiff to attempt to amend the complaint in the wake of Defendant's anticipated motion to dismiss, it will not be a request for a first amendment."

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The Court's time and consideration is appreciated.

Respectfully submitted,

LEEDS BROWN LAW, P.C.

A handwritten signature in black ink, appearing to read "Brett R. Cohen", is written over a horizontal line.

Brett R. Cohen

cc: All Counsel of Record (via ECF)